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RCE # 1600

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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/486,094
Filing Date	July 17, 2000
First Named Inventor	Freyssinet
Group Art Unit	1638
Examiner Name	Kubelik, A.
Attorney Docket Number	A33002-PCT-USA (072667.0124)

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on November 12, 2003  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☒ Other Fee for RCE of \$770.00 submitted on November 12, 2003
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-4377
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☒ Other Any additional charges under 37 CFR 1.16 and 1.117
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Rochelle K. Seide	Registration No. (Attorney/Agent)	32,300
Signature	<i>Rochelle K. Seide</i>	Date	December 29, 2003

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Alexandria, VA 22313-1450, or facsimile transmitted to the US Patent and Trademark Office on:

Name (Print/Type)	Rochelle K. Seide	Date	December 29, 2003
Signature	<i>Rochelle K. Seide</i>		

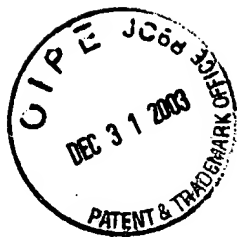
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Atty. Docket No. A33002-PCT-USA (072667.0124)  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Freyssinet *et al.*  
Serial No. : 09/486,094 Examiner : Kubelik, A.  
Filed : July 17, 2000 Group Art Unit: 1638  
For : GENE CODING FOR ANDROCTONINE, VECTOR  
CONTAINING SAME AND TRANSFORMED DISEASE  
RESISTANT PLANTS

**LETTER**

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

December 29, 2003

Date of Deposit

Rochelle K. Seide

Attorney Name

Rochelle K. Seide  
Signature

32,300

PTO Registration No.

December 29, 2003

Date of Signature

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed please find a Transmittal for a Request for Continued Examination (RCE) for the above-identified application. This transmittal was inadvertently omitted from Applicants' November 12, 2003 filing in which a Request for Continued Examination, the \$770.00 fee for the RCE, and the submission required for the filing of

an RCE were provided. Applicants respectfully request that the Examiner initiate continued examination of the above-identified application.

In a telephone call of December 26, 2003, Examiner Kubelik requested that Applicants provide the U.S. Patent and Trademark Office with a copy of the Notice of Rescinded Abandonment previously issued in this case. According to the Patent Information Retrieval (PAIR) system, this notice was sent on December 5, 2003. Unfortunately, this Notice has not yet been received by Applicants and thus they are unable to provide the requested copy.

Applicants believe no additional fees are due in conjunction with this communication. However, if additional fees are required, or if any overpayment has been made, the Commissioner is hereby authorized to charge any additional fees or to credit any overpayments to our Deposit Account No. 02-4377. Two copies of this communication are enclosed.

Respectfully submitted,

BAKER BOTTS L.L.P.



Rochelle K. Seide, Ph.D.

PTO Reg. No. 32,300

Attorney for Applicants  
(212) 408-2626

Enclosure